

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-3106/2021

Date Order with signature of Judge

For order on maintainability of petition.

03.09.2021

Mr. Tajamul H. Lodhi advocate alongwith petitioner.
Mr. Ali Safdar Depart, AAG alongwith Dr. Muhammad Hussain,
Incharge 50-bedded hospital, Gadap, Imdad Ali Jungio, SO-V (Spl),
respondent No.1 and Dr. Muhammad Saleh Debar, M.S. RHC Murad
Memon Goth, Malir.

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Admittedly petitioner is working as pulmonologist/chest specialist in Services Hospital for 13 years; record further reflects that she was posted at RHC Murad Memon Goth where she has served for four and a half years. It is not disputed that she has established Covid ward of 20-beds at Services Hospital and was incharge since 06.06.2020; in April 2021 Health Department issued notification with regard to her transfer from Services Hospital to RHC at Gadap; thereafter she filed petition, meanwhile she was served with a show cause notice with direction to join at Expo Covid center instead of Gadap Hospital; that subsequent show cause notice also emphasizes that her expertise are required in covid setup, arranged by the government, at different places hence according to petitioner, her removal from one setup of covid ward to another RHC center is not justified.

At this juncture it has been surfaced that chest specialist in Services Hospital is in BPS-19 while chest special/pulmonologist, where petitioner is working, in BPS-18 though she was transferred to another place. Representative of Health Department is unable to inform that any pulmonologist is posted on that post to serve covid patient. It is not denied or disputed that there has been established Covid Ward by the

petitioner which, *too*, of 20 beds. Such Ward (Covid-Ward) *undeniably* was / is requiring operation / functioning properly because it is necessary for a patient to get admitted/treated in Wards, so established by Government *alone* but at convenient places. Here, it is worth referring that in CP No.D-4434/2020 and connected petitions, Secretary Health appeared with undertaking that he will remove all OPS officers working all over Sindh on different establishment posts however, he sought relief with regard to acting charge/allowed to work only, for the administration of covid wards. Such commitment is on record hence transfer of incharge of an established covid-ward to RHC, Gadap and subsequent show cause notice compelling the petitioner to cause her appearance with Incharge Covid is unjustified rather appearing to be in conflict with such commitment / suggestion. However, we will examine the case on merits at later stage. Till covid issue is at rise petitioner shall not be transferred from Services Hospital as Incharge Covid; impugned notification with regard to transfer of the petitioner as well show cause notice are suspended till next date of hearing. Attendance of Incharge Gadap Hospital and M.S. RHC Murad Memon Goth are hereby dispensed with. Secretary Health shall ensure that salary of petitioner, as stopped, shall be released. In case of failure, that act shall be treated as pejorative for initiation of contempt proceedings. Needless to mention that Secretary Health, Government of Sindh will be competent to fill that post by the grade 19 officers in terms of order, passed in **Constitutional Petition No.D -4434 of 2020 along with connected matters.**

To come up on 08.10.2021.

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